

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUÑIZ,
MARCUS MARTIN, NATALIE ROMERO,
CHELSEA ALVARADO, JOHN DOE, and
THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.

Defendants.

Civil Action No. 3:17-cv-00072-NKM

JURY TRIAL DEMANDED

**MOTION TO AMEND PRETRIAL SCHEDULING ORDER
IN LIGHT OF TRIAL DATE CONTINUANCE**

Plaintiffs Elizabeth Sines, Seth Wispelwey, Marisa Blair, April Muniz, Marcus Martin, Natalie Romero, Chelsea Alvarado, John Doe, and Thomas Baker (“Plaintiffs”), hereby move this Court, pursuant to Local Rule 16, to further amend this Court’s Pretrial Order [Dkts. 101, 329, 461, 597]. We have reached out to all Defendants and received no objection from those who have responded. In support thereof, Plaintiffs state as follows:

- Pursuant to the Court’s amended Pretrial Scheduling order, witness lists, motions in limine and responses, deposition designations, counter designations and objections, proposed jury instructions, and special interrogatories are all to be filed in late September and October 2020, in advance of an original trial date of October 26, 2020 [Dkt. 597].
- On August 25, 2020, the Court continued the October 26, 2020 trial in this action and directed the parties to appear for a telephonic hearing on September 14, 2020 to discuss new potential dates [Dkt. 844].

- Given the benefits to all parties of conserving legal and judicial resources, and in preparing and submitting trial materials closer to the date of the actual trial, Plaintiffs respectfully request that all remaining deadlines in the Amended Scheduling Order [Dkt. 597] be suspended and continued until such time as this Court has set a new trial date and associated schedule.
- We have reached out to all Defendants with this proposal. None that responded to our inquiry have objected to this motion.¹
- This request does not apply to any deadline related to those motions already filed, including Defendants Hill, Tubbs, and League of the South's Motion for Summary Judgment [Dkt. 823] and Motions related to Plaintiffs' Expert Reports [Dkt. 826], or any responses or replies associated with those motions.

WHEREFORE, Counsel for Plaintiffs respectfully request that the Court further amend this Court's Pretrial Order to suspend further deadlines for witness lists, motions in limine and responses, deposition designations, counter designations and objections, proposed jury instructions, and special interrogatories until such time as this Court has set a new trial date and the Court deems just and proper.

¹ Plaintiffs received responses affirmatively consenting to this proposal from David Campbell (counsel for James Fields), James Kolenich (counsel for Jason Kessler, Nathan Damigo, Identity Evropa, Matthew Parrott and Traditionalist Worker Party) and Bryan Jones (counsel for Michael Hill, Michael Tubbs and League of the South). Plaintiffs received no response from Edward ReBrook (counsel for Jeff Schoep, National Socialist Movement, and Nationalist Front) or any of the *pro se* Defendants.

Dated: September 11, 2020

Respectfully submitted,

/s/ Robert T. Cahill

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2020, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I further hereby certify that on September 11, 2020, I also served the following non-ECF participants, via electronic mail, as follows:

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